

G. R. S. IX-5]

Previous references.

P
1917-18
(Courts)

File No. 135-17

Serial Nos. 1 + 2

Later references.

6-135-17(3+4)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 + 2

Part B for *January 18*

SUBJECT.

*Cases for orders of Government
under Section 401 of the Code
of Criminal Procedure.*

2) *To the Registrar Chief Court
No J 2932 8 31-1-1918*

*States that Government do
not see any good grounds
for taking action under
Section 401 of the Code.*

W D 88-GPB-50,000-24-7-16

Mr. Abdul Rahman
2. 2. 1918

1917-18.

GENERAL AND REVENUE SECRETARIAT:

(Courts)

NOTES.

File No. 135-17

FILE HEADING.

Cases for orders of Government under Section 401 of the Code of Criminal Procedure.

From

The Registrar of the Chief Court.

No. 329

Dated

19th/20

Dec. 17

Received

22. 12. 17

Diary No. 1423

Enclos.

Records

Spare Copies.

Serial No.

1

BRIEF ABSTRACT OF LETTER.

Submits, for orders of Govt. under Section 401 of the Code of Criminal Procedure, the records in Kolar Sessions Case No. 7 of 1917-18 & also those in Criminal Appeal No. 53 of 1917-18 on the file of the Chief Court.

NOTES AND ORDERS.

Submitted.

mae

26. 12. 17

27/12

2) This is a reference made by the Sessions Judge of Bangalore through the Chief Court to the Govt. for orders under 401 Criminal Procedure Code.

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General and Revenue
Secretariat.

File No. 135 of 1917.

Serial
No.

The facts of the case are briefly these. One Talari Munsivanni, native of Venkatapur in Kolar Chittoor District, was charged with the murder of one Chenga Chari of the same village on 7.4.17, and was tried and convicted and sentenced to transportation for life. Though the parties are residents of British India, the offence having taken place within the territorial jurisdiction, the case was investigated and tried here. On appeal the Chief Commr. have affirmed the conviction and sentence.

3) The evidence in the case clearly shows that the accused had a long standing grievance against one Karnam Viraswamy and was under the impression right or wrong that his wife was seduced away and his lands taken away from him by the Karnam. On the 7th April, he was found by the postal runner going with a chopper in search of the Karnam, and the postal runner Venkataramaiah swears that the accused stated that he would punish the Karnam as he deserved. Subsequently he was seen by the toddy vendor Narayanaiah, chasing the decedent and killing him with his chopper. Later in the evening, he was in the Post office and confessed to the Post master that he killed a man when questioned as to what he meant

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General and Revenue
Secretariat.

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Serial
No.

He replied that he had killed Karmam Viswanathia. When he was told that the Karmam was in Venkateswara Temple, he is reported to have stated that he must have killed some man, who had large protruding eyes and stood on his way. The body was found in the place mentioned by the accused. The post mortem examination shows that the death must have been due to a fracture of the skull, haemorrhage and shock, and that the injuries could have been caused by the instrument which was with the accused which is certified to contain mammalian blood.

4) Under the circumstances there can be no doubt that death was caused by the accused. The fact that he mistook the deceased for Karmam is no excuse under law, and both the Courts have held that the accused was not so deranged in his mind as to be unaware of the nature of his act. The chief court even remarks that "the reasons given by the ^{learned} Sessions Judge for sentencing him to the lesser penalty for murder are in our opinion altogether unacceptable."

5) In the face of this, it seems difficult to understand the letter of the Sessions Judge of 20-11-1911 that he should be ordered to be kept in the Lunatic Asylum. The case does not come within the purview of Chapter XXXIV of the Criminal Procedure Code or the Lunacy Regulations.

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6. It is a point for order whether
any clemency has to be shown to him or not.

SS
10/1

2473
10.1.18

Joint Member)

7) The appeal has been dismissed by the C.E.
There is no question of clemency - as no
fact for the same before him.

8) The Section under which the ref
is made does not seem to be applicable
there is no absolute finding as
to unsound mind - or insanity -
justifying retention in a lunatic asylum
under these circumstances - this does not
appear to be a case for pardon
under sec 407.

9) The report that "the accused
was mentally deranged with hatred
is not consistent with the letter
which says that the accused was
a lunatic. The latter is not a
more matter of influence - but a
question of fact.

10) Please circulate letter to
Member for law of his opinion.

4
11/1 11/1/18

G. R. S. III-2,

General and Revenue
Secretariat.

Cmrs File No. 135 of 1917-18.

Serial
No.

11) I agree with the Second Member. There are no good grounds to interfere under section - 401 C.P.C. and the case does not seem to come - strictly under section 471 C.P.C.

[Signature]

22. 1. 18

[Signature]
20/1

12) If approved, the order will be returned with the remark that ^{doubt} ~~there~~ are no good grounds for taking action under S 401 C.P.C. code. The case does not come under cl 11 of the Schedule.

[Signature]
24/1

2586
24. 1. 18

First Member 13 Ys. 12

13. 1

(14) *[Signature]*
25/1

15.
Draft subd
AM
28/1

[Signature]
1-2-18

(16) *[Signature]*

2 To The Registrar ^{29/1} ~~the~~ court
No. 2932 31. 24 Jan 1918

States that your do not see any good grounds for taking action under section 401 of the Code.

no. 329 . Inc = 4
Cor.

22 DEC 1917

From

The Registrar

of the Chief Court of Mysore,

B a n g a l o r e .

To

C. S. Balasundaram Iyer Esq., B.A.,

Chief Secretary to the Government of Mysore,

B a n g a l o r e .

S i r ,

I am directed to submit for the orders of Government, under the provisions of Section 401 of the Criminal Procedure Code, the entire records in Kolar Sessions Case No.7 of 1917-18 on the file of the Sessions Judge, Bangalore Division, together with a spare copy of the judgment, and also the records in Criminal Appeal No.53 of 1917-18 on the file of this Court connected with the said Sessions Case. A copy of letter No.2190/256 dated 20th November 1917 received from the Sessions Judge is also forwarded for the information of the Government. The records may be returned when done with.

I have the honor to be,

S. i r ,

Your most obedient servant,

S. Venkappa Rangaiah

REGISTRAR (in charge).

Letter No. 2190/256 dated 20th November 1917 from
the Sessions Judge, Bangalore Division, to the Registrar
of the Chief Court of Mysore, Bangalore.

With reference to your No.252/Cr1. dated 9/12th
November 1917, I have the honor to resubmit herewith the
records in Kolar Sessions No.7 of 1917-18 on the file of
this Court and to state that in my opinion the accused was
undoubtedly at the time so mentally deranged that he
should be treated as much as a lunatic as though his case
came under section 471 Criminal Procedure Code i.e. that
he should be ordered to be kept in a Lunatic Asylum, Jail
or other suitable place of safe custody.

Sd/- R. B. Plumer,

Sessions Judge.

C O P Y.



REGISTRAR (in charge).



In the Court of Session, Bangalore Division,

Dated, Camp Kolar, 13th October, 1917.

Present R.B. Plumer Esq. Bar-at-Law, Sessions Judge.

Kolar Sessions Case No. 7 of 1917-18.

Complainant.

vs.

Accused.

The Government of Mysore.

Talari Munisami.

J u d g m e n t.

The accused Talari Munisami of Ramakuppam village, Venkatagirikotah Sub-Tahsil, Chittoor District, is charged under section 302 I.P.C. with the offence of murder in that on the afternoon of Saturday April 7th 1917 he cut down and killed one Chengachari of Venkatagirikotah.

2. The accused pleaded not guilty. He was defended by standing Counsel Mr. C.B. Gopal Rao.

3. He stated before the Committing Magistrate that he had not committed the Deed and that the case had been concocted against him by his enemies.

4. He adheres to that statement in this court but his counsel also puts forward a plea that the accused on the date in question was mentally deranged. The prosecution case is that on the day in question the accused in a state of violent excitement set out with the Maccu Article 1 to murder Karnam Visvanataiah. On his way he met one Chengachary, an old man of 65 near the Baljipally toddy shop. Blinded by rage and in a state of uncontrolled fury he mistook him for his hated enemy Karnam Visvanataiah and attacked him and hacked him with his chopper till he fell dying and to all appearance dead. He had no cause of enmity whatever against the old man ~~against the old man~~ Chengachary and his assault on him must have been due to

mistake

mistake and mental derangement

5. The facts of the case are that the accused who is the talari of Ramakuppam, for some months prior to the date of the murder had a real or ~~an~~ imaginary grievance against the Ramakuppam Karnam or shanbogue Visvanataih whom he believed to have seduced away his wife from him and to have tricked him out of some of his lands.

6. In consequence he submitted petition after petition - against the Karnam and eventually became convinced that all the local revenue authorities and even the Branch Post-master of Ramakuppam were in league against him, so much so that for 2 or 3 months prior to the date of this occurrence he had taken to posting his registered petitions and complaints at the Venkatagirikota Sub-Post Office where he confided his grievances and his suspicions against the Ramakuppam Branch Post-master to the Sub Postmaster Mr. Ramaswami Iyer (P.W.1). The latter a kindly good humored - looking little man judging from his appearance in the witness-box seems to have talked sympathetically and soothingly with the accused on these occasions and to have won his trust and confidence.

7. Postmaster Ramaswami Iyer describes the accused as being on these occasions excited and somewhat violent in his demeanor and speech.

8. The description is to some extent borne out by the evidence of the Deputy Tahsildar Mr. Parthasarty Iyer who in January 1917 took charge of the Venkatagirikota Deputy Tahsil and had occasion that month and again in March 1917 to camp at Ramakuppam when the accused as village talari helped to procure him supplies. He describes the accused as striking him as being a man very superior to the ordinary run of villager in appearance and speech but at the same time as a man of an impertinent and - insubordinate disposition very free in abusing and speaking ill of

all and sundry of his local superiors and especially of the Ramakuppam Karnam Visvanatain.

9. Postal runner Venkataramadu of Venkatagirikota also describes the accused as a man full of complaints and threats against Karnam Visvanatain and others in league with him. He deposes that on the 7th April 1917 he took the mail bag as usual from Venkatagirikota to Ramakuppam and was returning thence to Venkatagirikota - near a place called Kolatagudalu some $2\frac{1}{2}$ miles from Venkatagirikota he came across the accused carrying a large sickle or chopper who asked him if Karnam Visvanatain had been that day at Venkatagiri Kotah. He replied that he had. The accused then asked if that Karnam had left Venkatagiri-kota and the runner answered that he did not know.

10. The accused who seemed in a very excited desperate mood then said that if he found the karnam he would punish him as he deserved.

11. About 5-30 P.M. that same afternoon today vendor Narainswami of Baljipally today shop lying on the Venkatagirikota road about a mile nearer Venkatagirikota than Kolatagudalu saw the accused passing hurriedly along the road towards Venkatagirikota.

12. In about 15 minutes he heard a cry and looking in that direction he saw an elderly man running chased by the accused with a chopper in his hand. When about 80 yards from the today shop the accused caught up the other man and struck him with the chopper. The man fell down crying out Ayyayo. The accused cut him 2 or 3 more times with the chopper and then went away after cleaning the blade of the sickle and then stropping it on the palm of his hand.

13. The today vendor was terrified and shut up his shop and went to his village. He did not go to the injured man to see if he could help him and he made no report of the occurrence

to any one except the man Murgappa in whose house he was living. About 6 P.M. that evening postmaster Ramaswami Iyer (P.W.1) was in his Post Office at Venkatagiri-Kotah talking with one Venkatarama Iyer, Deputy clerk of the Deputy Tansildar's office.

14. They heard a woman's scream outside and went out and saw a cart passing along the street with a woman seated in it - crying aloud in fear. The accused with a chopper under his arm was hurrying after the cart. He seemed very excited and seeing this and the chopper the postmaster became anxious and called ^{the accused} by name. The accused came into the post office compound and the postmaster asked him what was the matter. The accused ^{said} ~~saw~~ that all his body was burning and that his head was reeling and asked for medicine and for water. The postmaster sent for water and in the meantime asked the accused to put the chopper down. By this time a crowd was gathering in the compound and one of them a relative of the Deputy Tansildar took up the chopper and handed it to one of the postal runners by name Venkatappa who kept charge of it.

15. When the water came the accused washed his hands and feet and drank two chembus full of water and then stood in an attitude of prayer with hands together in supplication.

16. He then said "Knowingly or unknowingly I have killed a man, may God forgive me."

17. The postmaster asked him what he meant. He replied that he had killed Karnam Visvanataiah. The postmaster said "Karnam Visvanataiah is in Venkatagiri Kotah how can you have killed him?" The accused then said "well anyhow I killed a man, he stood opposite me on my way. He had large protruding eyes and I cut him down. You can go and see the corpse if ^{you} get a cart and come, I will show you the body."

18. After some further questioning the postmaster became satisfied that something had happened and sent to fetch the police from

from the Venkatagiri Kotah Station about 200 yards off. He waited half an hour and then as the police did not come he went to the gate of the compound and looked up the street to see if they were coming. He then caught sight of the incharge Head Constable and acting Sub-Inspector Govindarajulu in company with the other Head constable of Venkatagiri-Kotah Station, Perumal Naidu in undress in the house of the former just opposite the Post Office.

19. He called to them to come as they were needed. The acting Sub-inspector discreetly retired into the house - but the other Head constable Perumal Naidu on the postmaster ---- threatening to wire to the District Superintendent of Police plucked up courage to come over to the Post office compound to see what was the matter and his example so stimulated the Sub-inspector that he eventually followed Perumal into the post-office compound. The postmaster then explained the position to them and told them briefly what the accused said. The sub Inspector took possession of the chopper and took nominal charge of the accused and sent Head Constable Perumal to the place near the Baljipally toddy shop mentioned by the accused as the place where he had cut down the man to see if any body lay there. He then talked with the postmaster who told him all in detail what the accused had said. Meanwhile postal runner Venkataramadu returned to the post office from ^{his} ~~his~~ garden which he had been to after getting in from his run from Ramakuppam. Seeing his postmaster and seeing the accused and fearing that the accused might do some violence in view of his threats and excitement earlier in the afternoon the runner warned the postmaster not to stay near the accused but to go and shut himself up in the post office as it was then getting dark and as apparently the Sub Inspector had failed to inspire any confidence, the postmaster ^{took} ~~this~~ advice and went into his office. What happened afterwards he does not know.

20. Before he left the compound to go to his office the crowd had melted away, it had become almost dark and the Sub-Inspector

Inspector was going off with the accused and the chopper. The next thing he heard was ~~was~~ that a body had been found and that the accused had absconded. He accordingly sent a report to the Sub ^{magistrate} Inspector and Deputy Tahsildar Mr. Parthisarthi Iyer

21. Next day about midday the Palmanair Circle Inspector Nagendra Rao (P.W.3) while in his office in the taluk cutchery premises saw a crowd outside and saw the accused who appeared to be behaving in a wild and excited manner. He went out and made enquiries. The accused then said he had killed a man. An opium vendor of Venkatagirikotah also informed him that the accused the previous evening had told the postmaster at Venkatagirikotah that he had killed a man. The Circle Inspector accordingly placed the accused under detention and shortly after-wards received a 1st information report of murder against the accused from the Venkatagiri Kotah Station. The body was said to be lying in Mysore territory so the inspector wired the information to the Gold Fields Police and as a result Inspector Walton proceeded to Venkatagirikotah visited the villages of Bijapalli and Ramakuppam and saw the place where the injured ~~xxx~~ man had been found, --- examined the Sub Postmaster, Ramaswami Iyer, the Deputy Clerk Venkataramayya and toddy vendor Narayanswami and the man Murgappa to whom alone Narayanaswami had told what he had seen. The ^{then} Inspector/went on to Palmanair and saw the accused under remand there. He then found him quite sane and rational though according to the ~~xxxx~~ Circle ~~xxxx~~ Inspector Nagendra Rao the accused when placed under detention by him on the 8th was behaving in a wild manner and continued to behave as if demented while in the lock-up calling out continually, protesting loudly against his detention - raving and singing and refusing forcibly to be taken out to answer calls of nature - a telegram from the District Superintendent of Police Palmanair to the District Superintendent of Police, Kolar Gold Fields also describes the accused as very insane and violent. (Exhibit D.2).

22. Inspector Walton completed the investigation and placed charge sheet on the 18th April. The ~~police~~ police investigation did not result in the discovery of any further evidence except a draft telegram Exhibit P.1 written by the postmaster Ramaswami Iyer for the accused about a month before this occurrence in which the accused complained to the Tahsildar Palmanair that Karnam Visvanataiah and many others had conspired to beat him and had driven away his wife and caused a false -- document to be inserted into his house.

23. This and some petitions to the Tahsildar and Deputy Tahsildar have no material bearing upon the case except as showing that the accused regarded Karnam Visvanataiah as his enemy and implacable oppressor.

24. The prosecution have examined thirteen witnesses in this court and have exhibited the deposition of the Medical Officer Sivaraj Pillai before the Committing Magistrate and his medical certificate regarding his postmortem upon the body of Chengachary (Exhibits P.5 and P.5 a) and the deposition of ~~Cheng~~ Chengachari's relative Channappachari before the Committing Magistrate regarding the identity of the dead man as that --- Channappachari is now dead. (Exhibit P.6) They have also exhibited the draft telegram Exhibit P.1 mentioned above, the 1st information report sent by the acting Sub Inspector VenkatagiriKotah on the evening of the 7th April Exhibit P.2. and the Chemical Examiner's certificate to the effect that blood ~~stands~~ stains were discovered on the billhook or Maccu article 1 Exhibit P.4, and the inquest proceedings Exhibit P.6a and the accused's statement before the Committing Magistrate Exhibit P.7.

Of the 13 prosecution witnesses:—

25. P.W.1 is Post-master Ramaswami Iyer. P.W.2 is the clerk in the office of the Deputy Tahsildar and P.W.5 is one Krishna Rao of VenkatagiriKotah who happened to be near the Post office and heard the accused's statement when he informed the postmaster that he had cut down and killed a man. P.W.7 is the

today

toddy vendor Narayanswami who saw the accused chase and cut down an old man near his toddy shop and P.W.9 is the man Murgappa with whom that Narayanswami was putting up and to whom he narrated what he had seen and from whom Inspector Walton P.W.12 learnt that Narayanaswami had seen the occurrence.

26. P.W.3 is the Palmanair Circle Inspector who placed the accused under detention at midday on the 8th because of his --- excited manner and because of the statements he then made, which of course are not evidence as against the accused and have merely been let in as explanatory of the Inspector's action in detaining the accused. P.W.4 is the Deputy Tahsildar of Venkatagiri Kotah who deposes to receiving the 1st information report in the case on the 8th April when in camp 6 miles from Venkatagiri Kotah. He returned the same evening to Venkatagiri Kotah and examined the Postmaster Ramaswami Iyer (P.W.1) and his own office clerk Venkataramaiah (P.W.2) and Krishna Rao (P.W. ~~3~~ 5).

27. This officer had only taken charge of Venkatagiri Kotah Sub-Tahsil in January 1917 and that month and in March he had camped at Ramakuppam and ^{had} had occasion to see the accused the talary of that village. He then seemed quite sane and struck the Deputy Tahsildar as being above the average of his class in speech and appearance but he found him defiant and impertinent as against all his local superiors against whom he freely complained and especially against his village Kārnām Visvanataiah.

28. On the 8th April the Deputy Tahsildar also received the Maccu article 1 along with the 1st Information report. He secured it in a piece of gunny cloth and sealed it up and --- subsequently made it over to Inspector Walton who sent it sealed as it was to the Chemical Examiner whose examination found blood stains on it as per his certificate Exhibit P.4.

29. P.W.6 is the postal runner Venkataramadu who saw the accused about 4 P.M. on the 7th April about one mile from the Baljirally toddy shop. The accused then had the Maccu article 1

with

with him and was vowing vengeance against Karnam Visvanataiah about whose whereabouts he questioned this postal runner. Later in the evening finding his postmaster P.W.1 near the accused with a crowd collected in the Postoffice compound this runner warned the postmaster that the accused was desperate and advised him to keep himself in safety in the Post office. P.W.8 is the Venkata-giriKotah Head Constable Perumal Naidu who with the acting Sub-Inspector Govindarajalu since dead seems to have handled the --- situation with culpable inefficiency and stupidity due apparently to their believing the accused to be insane and doubting the truth of his statements. Even the obvious course of taking him with them to show the body of the man whom according to his statement to the postmaster he had killed does not seem to have occurred to him, nor the even more obvious course of placing him under guard or detention till they had satisfied themselves that he was not a maniac and a source of danger to the public, with the result that the assessors in this case view the very fact that the accused cut down and killed any body with suspicion deeming it incredible, as it naturally seems to them, the police could have let the accused remain at large if he was openly stating he had cut down and killed some one.

30. Head constable Perumal Naidu for every ~~omission~~ omission shields himself behind the fact that the deceased head Constable Govindarajalu was in charge of the proceedings but the explanation seems peculiarly inadequate. Moreover if the postmaster's evidence is true that he sent to the station for the police and they did not come and that after half an hour he went to the gate of his compound and then saw this Head Constable Perumal Naidu in undress with Head Constable Govindarajalu in the house of the latter and opposite to the Post office and that he then called to them to come as they were needed and that they did not even then do so till he threatened to send a wire to the District Superintendent of Police is true, and in my opinion it is true, then the evidence of the head constable Perumal Naidu that he received information, that he

was wanted at the Post office while he was in the street in uniform as he was leaving the station to go home and that he at once went to the Post office is deliberately false and - perjured.

31. Of the other three witnesses P.W.10 is Karnam - Visvanataiah, who deposes to the accused's belief that he was his oppressor.

32. P.W.11 is the Betamangalam Jamedar Lakshmana Rao who first received a report from the VenkatatgiriKotah police that the occurrence had taken place within Mysore limits.

33. P.W.13 is a man Panduranga Rao who saw the injured man lying in extremis shortly before he passed Head Constable Perumal Naidu on his way to look for the man whom the accused maintained he had killed.

34. The assessors in view of the fact that the murdered man was an elderly man of about 65 years disbelieve the evidence of the toddy vendor Narayanswami that he saw the accused chase him and cut him down. They think so old a man could^{not} have run away and so accused would not have had to chase him.

35. They also ~~do~~ disbelieve that the accused told the Postmaster that he had cut down a man as they cannot believe that had the accused really made such a statement, the police officers would have left the accused unguarded and at large. Neither reason seems to me convincing - even an elderly man will find legs to run if suddenly attacked by an apparent maniac with a chopper while incredible as the police officers negligence may seem it is not beyond the depths to which police inefficiency can at times sink.

36. In my opinion the evidence of Postmaster Ramaswami Iyer is perfectly straight forward and creditworthy. He is

corroborated

corroborated in nearly all material details by the evidence of the Deputy Clerk P.W.2 and of Krishna Rao P.W.5 and it is I think far more probable that their evidence is true than that it is the result of conspiracy and concoction as it must be if untrue. I also think that probably the evidence of toddy vendor Narayanswami is also true though I do not think it so undoubtedly true as to be safe to rely upon, while it may well be doubted whether he really saw the assailant sufficiently clearly to be sure it was the accused.

37. Leaving his evidence aside there remains the fact that it was the accused's statement to the postmaster that first made it known in Venkatagiri Kotah that a man had been cut down near the Baljipally toddy shop. The accused was then in a violently -- excited mood and repeatedly declared that it was he who had cut that man down. He then had the chopper or bill hook (Maccu Katte) article 1 with him and the injured man when found had had just such wounds hacked upon his head as a weapon such as article 1 would have caused.

38. I think therefore there is no good reason to doubt that it was the accused who cut down that man and there is no doubt that the death of that man resulted directly from the wounds then caused - the fact that the accused mistook him for his enemy - Visvanataih is no defence to the charge, and the only question that remains is whether at the time of committing the deed the accused was so mentally deranged as not to be aware of the nature of his act. His subsequent conduct and statements negative this possibility and the utmost that can be held in his favour is that he was so mentally deranged by his violent hatred of Visvanataih that at the moment his impulses were entirely out of control.

39. This may entitle him to the benefit of clemency on the part of the Government of His Highness the Maharaj, it is not a defence to the charge and I have therefore no option but to find the accused guilty of the offence of murder with which

he is charged punishable under section 302 Indian penal code.

40. In view of the accused's undoubted mental derangement it seems to me that the death penalty should not be inflicted and I accordingly sentence the accused Talare Muniswami son of Lakshmana to undergo transportation for life.

as authority [41]. I further direct that the records of the case with a for this procedure vide the note in Schoni's Criminal procedure code rule 5 to section 470 at page 953 7th edition. } copy of this judgment be submitted to the Government of His Highness the Maharaja through the Registrar of the Chief Court so that they may consider -- whether the case is in their opinion a fit one for the application of the provisions of section 401 Criminal procedure code.

42. The Maccu Katte article 1 will be sold and the proceeds confiscated to Government.

Kolar Town.
Pronounced in open court.
dated 13th October 1917.

Sd/- R.B. Plumer,
Sessions Judge,
Bangalore Division.

K. S.

"Copy"
R.B. Plumer
Sessions Judge
A.

In the Court of Session, Bangalore Division,

Kolar Sessions Case No. 7 of 1917-18.

<u>Complainant.</u>	<u>Vs.</u>	<u>Accused.</u>
Government of Mysore.		Talari Munisami.

Appendix to Judgment.

The following witnesses were examined for prosecution:-

1. T.M.Ramaswami Iyer.
2. Venkatarama Iyer.
3. S. Nagendra Rao.
4. Mr. N. Parthasarthian~~yy~~
5. V. Krishna Rao
6. Venkataramadu.
7. Narayansawmi.
8. Perumal Naidy.
9. Murugappa.
10. Visvanataih.
12. Lakshmana Rao.
13. Panduranga Rao.

The following article was marked:-

Article 1. A Machu (bill hook)

The following exhibits were filed for prosecution:-

- P.1. A message in the hand writing of T.M.Ramaswami Iyer.
- P.2. First information report.
- P.3. Occurrence report.
- P.4. Chemical examiner's ~~report~~ certificate relating to bill hook.
- P.5. Deposition of medical witnesses Mr. Sivaram Pillay before the Committing Magistrate.
- P.5a. Medical certificate.
- P.6. Deposition of Channappachary before the Committing Magistrate.
- P.6a. Inquest report.

P.7. Statement of accused before the Committing Magistrate.

No witnesses were examined but the following exhibits were filed for prosecution:-

D1. A portion in the deposition of Mr. N. Parthasarathiah before the Committing Magistrate.

D 2. A telegram from Mr. Atkinson (District Superintendent of police of Chittur) to the Superintendent of police Kolar Gold Fields.

The accused made the following statement before the Committing Magistrate:-

Q. Did you on 7-4-1917 evening, as stated by prosecution witnesses, owing to the ill-will which existed between yourself and Karnam Visvanataih, intentionally murder Changachary who was going near near Balijapalli toddy shop near Kuppan road, mistaking him for Karnam Visvanataih and thereby commit an offence under section 302 Indian penal code?

A. No. I did not murder him. There has been ill-will between me and Karnam Visvanathappa on account of my lands. This false complainant is brought against me to ruin me by some means.

Q. Did you say before P.W.1 that you knowingly or unknowingly had murdered a person mistaking him for Karnam Visvanathappa and that he (P.W.1) might go and see if wanted?

A. No. I did not say so.

Q. Then why has he deposed like that against you?

A. There is friendship between ~~me~~ him and Ramakuppam Branch postmaster. I have got complaints against that Branch Post Master of Ramakuppam. He has not given me receipt for any one of them. Ahobalareddi has usurped all my lands. His son is Changareddi. It is this Changareddi's servant who is the toddy shop keeper there. All these together with the intention of

ruining

ruining me have unjustly concocted this false case against me. There was no ~~connection~~ connection whatever between the deceased old man and me.

The accused made the following statement before this Court:--

Q. Hearing the charge read and explained do you plead guilty or not?

A. I plead not guilty.

Q. Hearing the statement Exhibit P.7 before the Committing Magistrate is that your statement?

A. Yes.

Q. Have you anything else to say?

A. Several ~~members~~ numbers, that Karnam has defrauded me of. About that I have sent petitions. Two years ago when the Survey Inspector came the Karnam got changed from my name to others. They are all Manyam lands and neither my ancestors nor I have sold them. The Karnam and Manegar and the Survey Inspector have tricked me out of those lands. The Karnam has falsely reported against me for faults I never committed and got me unjustly fined. He and the Manegar and others got a ~~xxx~~ mohazar drawn up falsely stating that I was insane and unfit for duty. The Karnam persuaded my wife to leave me. He and the Branch postmaster and the Manegar were all in league -- against me and I could get no hearing and no justice. At last one day I went to Palamanair and tried to see the District superintendent of Police. He was out and not to be seen. -- Later on I went to the Taluk office. There a crowd gathered round me and they began to say I had trespassed into the District Superintendent of Police's bungalow and they began to pull me about. Then that circle inspector who was a witness came out and said to me he would put me in the lock-up and keep me safe as the ~~Karnam~~ Karnam said I was insane and he heard

also

also from other sources I was insane. I protested that I was not insane, but he insisted on my entering the lock-up and once I was in, there the police continually teased me - trying to make me mad. Thence I was taken to Chittoor and from thence to the Oorgam Lock-up. I am not mad. For 15 ~~day~~ years I have done my Government duties properly but the Karnam became my enemy and with the help of the Manegar and Revenue Inspector and Branch Postmaster, he deprived me of my ancestral lands and made false reports against me, while the Branch Post Master tampered with and even withheld my registered letters and receipts. That is all I have to say.

Q. Have you any witnesses here?

A. No.

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K. S. ,

Form No. 80.

Criminal.

Calendar of persons tried before

the Court of Session, Bangalore Division

For instructions,
see overleaf

1. Serial No.

Kolar Sessions Case No. 7 of 1917-1918

2. Name of complainant

Government of Mysore.

3. Name of accused

Talari Munisawari

4. Father's name

Lachmarasa

5. Caste

Boysa

6. Calling

Talari

7. Age

About 25 years

8. Residence

Raneakuppasa

9. Offence complained of

Murder Section 302 I. P. C.,

10. Date of occurrence 7.4.1917

11. Date of complaint or report 8.4.1917

12. Date of arrest by the police 8.4.1917

13. Date of first appearance before the Court 9.10.1917

14. Date of commencement of trial 9.10.1917

15. Date of close of trial 10.10.1917

16. Result trial

Convicted under Section 302 I. P. C. and sentenced to transportation for life. It is further ordered that the records of the case with a copy of the judgment be submitted to the Government of H. H. the Maharaja of Mysore, thro' the Registrar of the Chief Court so that they may consider whether the case is in their opinion fit for the application of the provisions of sec 491 I. P. C.

17. Number of adjournments

Nil

18. Explanation of delay and Remarks

The accused was in custody

R. H. Kumar
Magistrate,
Sessions Judge

1. If the number of accused be large and the space against, 3. Name of accused. 4. Father's name, 6. Calling, and 8. Residence be found insufficient, the particulars may be entered in a separate sheet of paper and appended to this.

2. Explanations of delay should invariably be given if the interval between the date of appearance of the accused and the date of judgment of sentence is more than a fortnight and may be continued on this page.

3. If the case is received by transfer from another Court, the date of the first appearance of the accused and the number of adjournments in that Court as well as the particulars of previous conviction will be noted against 8. "Explanation and Remarks."

4. In the case of arrest, whether the accused was detained in custody or released on bail should invariably be stated under "Remarks" and in the latter case, the date of release should also be given.

5. In No. 16 "Result of trial." Note—

Discharged under Section
Acquitted under Section
Or convicted under Section
and sentenced to

SUBJECT.....

Diary No. of letter replied to... 9423.....

Section Cants
File No. 135-17
Serial No. 2

GENERAL AND REVENUE SECRETARIAT,

(Cants)

, the

191

No.

52932 Records

Date of issue... 31.1.18.....

10

Signed by... M.ⁿ J. E. Jayarama

Sr,

The Registrar, Chief Cant.

Supd

With reference to your letter no
329/er of 20.12.17 Submitting for order
under Section 401 of the Cr.Po Code the
records in Kolar Session Case no. 7 of 17-18
on appeal of the Sessions Judge, Bangalore and
and in Criminal appeal no 53 of 17-18
in the file of the Chief Cant., I am
directed to state that Govt do not see
any good ground for taking action
under Section 401 of the Code
over.

11/1
29/1/18